IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11517 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHAITALIBEN TAMAKUWALA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MRS DAWAVALA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 24/11/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. Devnani for the petitioner. Rule. Mrs. Dawavala, Learned CGSC waives service of rule on behalf of the respondent.

2. It is submitted by learned counsel for the petitioner that the petitioner Smt. Chaitaliben Tamakuwala applied for an international passport, and she was provied with the international passport by the respondent, issued on 10-4-2000, being Passport No. A-8802609. It is submitted by learned counsel for the petitioner that the petitioner's date of birth according to the birth certificate issued by Surat Mahanagarpalika is 29th December 1976, but the date of brth of the petitioner has been recorded in the passport as 28-6-1976. It is submittd by learned counsel for the petitioner that, while taking admission in the school the date of birth of the petitioner was erroneously recorded in the School Register as 28-6-1976 and that error continued till the petitioner received the birth certificate from Surat Mahanagarpalika. When there is a conflict between the date of birth in school authority and the date of birth issued by the local authority, then the birth certificate issued by local authority should prevail over any other record. It is submitted that while taking admission there was an error in declaring date of birth of the petitioner. It is submitted that the petitioner has filed a representation to the respondent - the Regional Passport Officer on 10-11-2000 but the same has not been considered by the respondent. I am of the view that the Regional Passport Officer should consider the representation of the petiioner. The petitioner may again approach the respondent Regional Passport Officer, Ahmedabad afresh along with copy of this order within 10 days from today. While considering the representation of the petitioner, the Regional Passport Officer, Ahmedabad shall take into consideration the date of birth issued by Surat Mahanagarpalika and make necessary correction in the passport within 30 days from the date of receipt of copy of the order from the petitioner. In case the petitioner is required to apply for fresh passport, the petitioner shall comply with the requisite formalities for the same. Accordingly the petition is alowed in the aforesid terms. Rule is made absolute to the aforesaid extent.

3. Since the respondent is not responsible for the mistake in question, the petitioner shall pay cost of this petition to the respondent, which is quantified at Rs.1,500-00, payable within two weeks from today. Direct service permitted.

DT: 24-11-2000 (P.K. Sarkar, J)

/vgn.